

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

CAROLINE SWANN-ELLIOTT,

Plaintiff,

v.

STATE FARM FIRE AND CASUALTY
INSURANCE COMPANY,

Defendant.

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No. 3:14-CV-00245

NOTICE OF REMOVAL

Defendant, State Farm Fire and Casualty Company (“State Farm”), pursuant to 28 U.S.C. §§ 1441 and 1446, hereby gives notice that it is removing this civil action from the Circuit Court for Knox County, Tennessee to the United States District Court for the Eastern District of Tennessee at Knoxville.

1. On April 18, 2014, Plaintiff Caroline Swann-Elliott commenced this civil action against Defendant State Farm in the Chancery Court for Jefferson County, Tennessee, Case No. 14-CV-59. The Complaint and Summons were served upon State Farm on or about May 8, 2014. Attached hereto is as **Exhibit A** is a copy of the Complaint which represents the entire contents of the state court file. The service of summons and Complaint is the first notice State Farm received regarding the commencement of this action.

2. Upon information and belief, Plaintiff is a Tennessee resident. Plaintiff further alleges damages for breach of contract stemming from Plaintiff’s contract for insurance for property located at 1130 Squirewood Way, Dandridge, Tennessee, 37725-6406.

3. Plaintiff’s Complaint states that she seeks \$150,000.00 in damages, well in excess of the \$75,000.00 statutory threshold requirement for removal.

4. State Farm is a corporation organized and existing under the laws of Illinois with its principal place of business in the State of Illinois.

5. This Court has jurisdiction over the claims in the Complaint pursuant to 28 U.S.C. 1332 (diversity) because there is complete diversity between the Plaintiff and the Defendant.

6. This notice of removal is being filed within thirty days of May 8, 2014, the date on which the summons and Complaint were first served on State Farm. Thus, this notice of removal is filed within thirty days after State Farm first received a copy of the initial pleading setting forth the claims for relief.

7. Pursuant to 28 U.S.C. § 1446(d), State Farm will promptly give notice of this notice of removal to the Clerk of Jefferson County Chancery Court and to counsel for Plaintiff in the state court proceeding. The giving of such notice will effect this removal pursuant to 28 U.S.C. § 1446(b). A copy of the state court notice is attached as **Exhibit B**.

8. By removing this action, State Farm does not waive any defenses available to it in federal or state court and expressly reserves the right to assert all such defenses in its responsive pleading.

WHEREFORE, State Farm requests that further proceedings of the Jefferson County Chancery Court be discontinued and that this action be removed in its entirety to the United States District Court for the Eastern District of Tennessee at Knoxville.

Respectfully submitted this 5th day of June, 2014.

PAINE, TARWATER, and BICKERS, LLP

/s/ Matthew J. Evans

Matthew J. Evans (BPR #017973)

Katherine S. Goodner (BPR # 030499)

2200 Riverview Tower

900 South Gay Street

Knoxville, TN 37902

(865) 525-0880

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been properly served via U.S. Mail, postage prepaid, upon the following:

Scott C. Frith
535 Locust Street, Suite 101
Knoxville, TN 37902

This the 5th day of June, 2014.

/s/ Matthew J. Evans